

Exhibit 9

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

[1] BLACK EMERGENCY RESPONSE
TEAM, et al.,

Plaintiffs,

v.

[1] JOHN O'CONNOR, in his official
capacity as Oklahoma Attorney
General, et al.,

Defendants.

Case No. 5:21-cv-01022-G

Hon. Charles B. Goodwin

Declaration of Regan Killackey

I, Regan Killackey, pursuant to 28 U.S.C. § 1746, declare the following:

1. The facts set forth in this declaration are based on my personal knowledge, and if called as a witness, I could and would competently testify to the following matters under oath.
2. I am an English teacher for Edmond Public Schools. I teach Advanced Placement Language, Advanced Placement Literature, English 3, and Advanced Placement Research at Edmond Memorial High School. I have taught English in the Edmond Public School District for 14 years. I have taught English in Oklahoma public schools for 19 years. During this time, I've engaged in countless trainings on how to engage students in the classroom, ensure that students not only meet but exceed state standards and become life-long learners.
3. Since 2014, I also work for the College Board as Advanced Placement Language and Composition Exam Reader and Table Leader, as well as a national Consultant for other Advanced Placement Language teachers during the summer months.
4. Since 2014, I additionally work for the National Math and Science Initiative as an Academic Coach working with Advanced Placement Language students and teachers across the nation.
5. The Advanced Placement courses I teach are offered to the most gifted students and are guided by the standards of College Board, an independent non-profit that

seeks to increase access to higher education. Students in Advanced Placement classes can take an exam by College Board at the end of the course. Students who score high enough on the exam receive college credit for that course subject.

6. In each of my classes, I teach critical thinking, argumentation, and language art analysis by guiding students through a variety of texts by diverse authors. My courses, by their nature, develop higher level thinking skills that require students to form the critical thinking skills necessary to properly analyze and ultimately understand complex perspectives. These higher-level thinking skills are necessary for doing well on state exams, excelling in college, and engaging in our civic institutions.
7. In my Advanced Placement Language class, I teach argumentation and persuasive writing with College Board curriculum to prepare students for the Advanced Placement Language exam and for critically analyzing rhetoric in their everyday lives. The arguments with which we engage often address themes of race, sex, gender, and equity. Consistent with College Board curricula, I address different forms of identity, power, and their intersections in the classroom. The Advanced Placement Language exam directly addresses issues of identity, and students must incorporate those concepts in the way they build their arguments in relation to a variety of curricula. The Advanced Placement Language exam directly addresses current controversies and asks students to build arguments regarding current social issues. Current controversies nearly always involve the concepts of race, sex, gender, equity, power, and their intersections. To adequately teach students to engage with argumentation and rhetoric critically and analytically and to prepare students for the Advanced Placement Language exam, I must discuss race, sex, and gender in ways that challenge students to think from the perspective of people from identities outside their own. Often, those discussions require students to consider how White people and men historically and currently use the privilege of their identities to assert and maintain power over other people.
8. In my Advanced Placement Literature class, I teach language art analysis using College Board curricula, which requires a diverse authorship. While College Board does not have a list of required texts, the presentation of texts by a diverse authorship is a required standard for Advance Placement curricula because they are critical for a complete understanding of American and World literature and well-developed textual analysis. Texts include *Heart of Darkness* by Joseph Conrad, *Things Fall Apart* by Chinua Achebe, *Invisible Man* by Ralph Ellison, *The Poisonwood Bible* by Barbara Kingsolver, and *Othello* by William Shakespeare, all of which directly address themes of race, gender, oppression, and racism. To adequately analyze art that centers themes of race, gender, and power, I must address those themes and teach students how to engage with them.

9. In my English III class, I teach American Literature. American Literature by its nature includes perspectives on the American experience, including racism, sexism, and overall conflict. I choose texts from a diverse authorship to give students an honest perspective of the scope of relevant work, to help prepare them for difficult conversations about current events, and to ensure all my students can see themselves reflected in the material. In guiding students through the texts, I must address and engage with these themes.
10. In my English III courses, I also teach non-fiction through historical and contemporary controversy consisting of editorials, letters, political speeches, and essays – many of these addressing imbalances of power regarding sexism, racism, and identity. I use all valid media outlets, from breaking news resources to our district-approved textbook *Collections*.
11. H.B. 1775 causes school districts to distrust teachers' ability to have courageous conversations about race. As a result, my school district has attempted to silence its teachers for fear we may violate the H.B. 1775.
12. On June 28, 2021, I received an email from Edmond Public School District English Language Arts Curriculum Coordinator Jackie Resnic, which included guidance to Edmond Public School District English teachers from grades 6 through 12 on how H.B. 1775 will impact our classrooms. On a slide entitled "Questions on Concerns about H.B. 1775," we are instructed to "avoid the terms 'white privilege' and 'diversity' in class." Another slide told us to "Avoid the term 'diversity' when naming units or lessons," and stated that, "Under 1775, Do not discuss 'white privilege' as part of your lesson." The district made clear that these prohibitions are to ensure compliance with H.B. 1775. Because this prohibition applies to English teachers district-wide, I understand it to apply to all of my classes. Due to the content of my courses, these are terms students and I use frequently in the classroom as we engage in a broader discussion that airs multiple viewpoints and perspectives. These terms arise organically as we engage in meaningful class discussion of the material.
13. In addition to the prohibition of essential terms like "diversity" and "white privilege," Edmond Public Schools changed our anchor texts for on-level English classes in 2021. We are no longer required to teach anchor texts that meaningfully address race. Texts like *To Kill a Mockingbird* by Harper Lee or *Raisin in the Sun* by Lorraine Hansberry were previously required as options to introduce the complexities of race in America, and these texts were also options in which we were encouraged to scaffold our curriculum with contemporary companion pieces. The district similarly removed *Their Eyes Are Watching God* by Zora Neale Hurston, *Why the Caged Bird Sings* by Maya Angelou, and *Life of Fredrick Douglass* by Fredrick Douglass as anchor text options from our curricula in response

to H.B. 1775. Our only remaining anchor texts are *The Great Gatsby* by F. Scott Fitzgerald and *The Crucible* by Arthur Miller, both of which are written by White male authors.

14. The loss of these texts from my classroom is a detriment to the students' social, cognitive, and emotional development. The texts enable honest conversations about race, create meaningful moments students can use in their writing and when engaging with controversy, and establish a classroom environment where students can be themselves and feel comfortable as themselves.
15. The benefit of teaching texts from diverse authorships that deal with issues of race, oppression, racism, and privilege is especially significant to my students of color. Through those texts, students of color have their voices heard in a predominantly White classroom. They are given the space and the language in which to express themselves and their experiences and to contrast their experiences with those of privilege. When we talk through *To Kill A Mockingbird* and *Their Eyes Are Watching God*, my Black students get to tell pieces of their stories by solidly connecting with the author and content within the narrative, which is critical for their development. They know their peers – often for the first time – hear what it is like to be Black in America and feel a piece of the discrimination that my Black students and students of color experience every day. To share that experience with others is empowering for my students.
16. Before H.B. 1775 and its implementation by Edmond Public Schools, I was planning to teach *To Kill a Mockingbird* through lenses that push students to engage in critical inquiry, including the lens of systemic racism by pointing every instance of institutional influence and action. For example, I would point out the institutional influence of the 1930's US Criminal Justice System, Jim Crow Laws, and the KKK, so that, by the end of the novel, my students understand the systemic significance of the result. I am now at a loss on whether I can teach such a text, much less how I can do that without using the term "white privilege."
17. In implementing H.B. 1775, Edmond Public Schools is requiring a whitewashed version of English literature. This is detrimental to all my students but especially students of color who will not see themselves or their perspective reflected in the curricula. Moreover, it is an inaccurate, incomplete, and dishonest presentation of the scope of English Literature.
18. This whitewashing to comply with H.B. 1775 is in stark contrast to the district's previous approach to course curricula. Before H.B. 1775, Edmond Public Schools was implementing anti-racist teaching with Professional Development and was developing a diverse curriculum to support and honor students of all identities. As a result, I saw increased class participation from all students and a drastic increase

from my Black students. We had more meaningful class discussions tied to current events and personal experiences. Though we were addressing more challenging and emotionally fraught subjects, the classroom environment improved as students began to have greater trust in each other.

19. In 2020, Edmond Public Schools offered diversity, equity, and inclusion training as part of our professional development. In 2021, we received no such training. In its place, we were handed a page entitled “Guidance for HB 1775,” which broke down each prohibition of HB 1775 and provided guidance on its meaning. For the prohibition reading, “members of one race and sex cannot and should not attempt to treat others without respect to race or sex,” the guidance column read, “Unfortunately, no one truly knows what this means or can come to an agreement on its meaning.” H.B. 1775’s broad language instills fear in the administrators charged with its implementation and results in sweeping, absurd, and harmful enforcement in the classroom.
20. I anticipate student and parent complaints that my teaching does not comply with HB 1775 regardless of whether I follow district guidelines. Addressing these misguided and unnecessary types of student complaints with my principal takes up contracted instructional time. Should I have a principal validate these complaints, I could face formal admonishment leading to the removal of my current teaching position and a reassignment for an alternate certified teaching position within the district.
21. H.B. 1775 and its implementation prohibit teachers from adequately performing core functions of our profession in a way that is far more intrusive into the content of my classroom than any other education policy with which I am familiar. As English teachers, we are entrusted to present students with a representative sample of English literature for their analysis, to instruct students in crafting and criticizing argumentation, and to expose students to new perspectives, issues, and ideas. Under H.B. 1775, I am required to only present the White male perspective. This is a dishonest and incomplete view of literature, argumentation, and the American experience. It is antithetical to my responsibility as a teacher.
22. I teach current controversies and address issues of race, gender, oppression, and power to empower my students to become socially conscious people who understand the role of bias and prejudice. I teach a variety of perspectives because exposure to different perspectives challenges and dissolves bigotry. I pour my life into the lives of my students to arm them with critical thinking skills, compassion, and empathy.
23. H.B. 1775 is a direct affront to my task of creating an inclusive, inquisitive classroom environment and from nurturing open-mindedness, free and critical

inquiry. It prohibits me from guiding the next generation of responsible citizens capable of collectively forming robust public opinion.

24. H.B. 1775 and its implementation limit students' ability to succeed. College entrance exams like the ACT, SAT, and PSAT, include issues of race, gender, power, oppression, diversity, and white privilege. Denying students access to these issues in high school is setting them up for failure and threatening their ability to access a college education. Issues of identity and oppression impact our society and culture. Denying students access to these issues and language with which to discuss them will render them unable to fully communicate through life. The whitewashed English education mandated by Edmond Public School's implementation of H.B. 1775 breeds ignorance and misinformation by only allowing the presentation of narrow half-truths.
25. H.B. 1775 places students of color in danger. The law allows students to act on fear and denies them the opportunity to practice empathy with people of different backgrounds and perspectives. The fear engendered by the law and its denial of empathy create a hostile learning environment for my students of color. They are denied a supportive curriculum in which they are represented and placed in a learning environment which centers the white perspective and upholds bigotry, bias, and racism.

I certify under penalty of perjury that the foregoing is true and correct based upon my personal knowledge. Executed in Oklahoma this 22 day of October 2021.


Regan Killackey (10/28/2021) (CDT)

Regan Killackey